

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5151

AN ORDINANCE relating to the Bellevue Sign Code, and to enhanced enforcement of the Bellevue Sign Code through the City Civil Violations process; amending Sections 22B.10.090B, 22B.10.120, 22B.10.125, 22B.10.160D and 22B.10.200F.4 of the Bellevue Sign Code; and Sections 1.18.020J, 1.18.020K.1, 1.18.040 and 1.18.050D of the Bellevue Civil Violations Code chapters of the Bellevue City Code.

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), RCW 43.21C, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 22B.10.090B of the Bellevue City Code (Sign Code Chapter) is hereby amended as follows:

22B.10.090 Single-family residential district signs - Zones R-7.5, R-5, R-4, R-3.5, R-2.5, R-1.8, and R-1.

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- B. Signs for Existing Legal Nonconforming Uses. No more than one primary sign is permitted for each use in this category so long as the building remains legally nonconforming under provisions of the Bellevue Land Use Code, as follows:
1. Such sign may be either freestanding or building-mounted.
  2. If freestanding, the sign shall conform to the requirements of BCC 22B.10.030(E)(1) in regard to placement and BCC 22B.10.040(B) in regard to size and height.
  3. A building-mounted sign shall conform to the requirements of BCC 22B.10.030(E)(2); provided, however, that no sign shall exceed 20 square feet in surface area.

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Section 2. Section 22B.10.120 of the Bellevue City Code (Sign Code Chapter) is hereby amended as follows:

22B.10.120 Temporary signs.

The aggregate area of all temporary signs placed or maintained on any parcel of private real property in one ownership shall not exceed 64 square feet maximum. and the area of any single sign shall not exceed 32 square feet maximum. In addition, temporary signs must comply with the following limitations:

- A. Construction Signs. These signs shall be of rigid and durable material, and shall only identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and announce the character of the building, or the purpose for which the building is intended. Such signs may be displayed only after issuance of a construction permit and only until final inspection for the construction permit. Only one such sign (which may be double-faced) is permitted per construction project adjacent to each public street upon which the project fronts.

In all zones other than single-family residential zones, no construction sign shall exceed 32 square feet in surface area or 10 feet in height, nor be located closer than 10 feet from the property line or closer than 30 feet from the property line of the abutting owner. Such signs must be removed by the date of first occupancy of the premises.

In single-family residential zones, no construction sign shall exceed eight square feet in surface area, or be located closer than 10 feet from the property line of the abutting owner. Such signs shall be removed by the date of first occupancy of the premises.

- B. Grand Opening Displays. Temporary signs, posters, banners, strings of lights, clusters of flags, blinking lights, balloons and searchlights are permitted for a period of one week only to announce the opening of a completely new enterprise or the opening of an enterprise under new management. All such materials shall be removed immediately upon the expiration of one week (seven consecutive days). Use of the above-described devices within the limits specified shall be an exception to the general prohibition on these devices in BCC 22B.10.150(E). For further limitations on searchlights, see BCC 22B.10.150(H). Such displays are not exempt from permit requirements and are permitted only in districts where the enterprise so advertised is allowed under district zoning regulations.

- C. Real Estate Signs. All exterior real estate signs must be of wood or plastic or other rigid and durable material, and are permitted subject to the following limitations:

1. Residential "For Sale" and "Sold" Signs. Signs shall be limited to one single or double-faced sign oriented to each street upon which the advertised property fronts. The sign may not exceed four square feet in surface area, and must be placed wholly on the property for sale. The "for sale" sign may remain up until the property sale closes.
2. Residential Directional "Open House" Signs. Signs advertising "open house" and the direction to a residence for sale shall be limited to one single or double-faced sign on the premises for sale and three single or double-faced off-premises signs. However, if a realtor has more than one house open for inspection in a single development or subdivision, off-premises signs are limited to four for the entire development or subdivision. Such signs are permitted only during daylight hours and when the realtor or seller or an agent is in attendance at the property for

sale. No such sign shall exceed four square feet in surface area. The sign may be placed along the periphery of a public right-of-way.

3. Undeveloped Commercial or Industrial Property "For Sale or Rent" Signs. Signs advertising undeveloped commercial or industrial property "For Sale or Rent" shall be limited to one single or double-faced sign per street frontage. Signs may be displayed while the property is actually for sale or rent. The sign may not exceed 16 square feet in surface area. If freestanding, the sign may not exceed five feet in height and shall be located more than 15 feet from any abutting interior property line and wholly on the property for sale or rent.
4. Developed Commercial or Industrial Property "For Sale or Rent" Signs. Signs advertising developed commercial or industrial property "For Sale or Rent" shall be limited to one single or double-faced sign per street frontage. Signs may be displayed while the building is actually for rent or sale. The sign may not exceed 16 square feet in surface area. If freestanding, the sign may not exceed five feet in height, and shall be located more than 15 feet from any abutting side or rear property line, and wholly on the property for sale or rent. Apartment building "for rent" signs are governed by BCC 22B.10.040 and not by this subsection.
5. Residential Land Subdivision Signs. Signs advertising residential subdivisions are permitted, subject to the following:
  - a. Each sign shall be limited to 32 square feet in surface area;
  - b. Only one sign is permitted per subdivision, except in either of the following instances:
    - i. If a subdivision abuts only one street, two signs are permitted; provided, that the two signs must be placed at least 200 feet apart;
    - ii. If a subdivision abuts more than one street, one sign may be erected along each street frontage.

In no case shall more than a total of two such signs be allowed;

  - a. No sign shall project beyond the building line;
  - b. Each sign must be placed at least 30 feet from the abutting owner's property line;
  - c. Such signs shall not exceed a height of 12 feet;
  - d. Such signs shall be removed by the end of one year or when 75 percent of the houses in the subdivision are sold or occupied, whichever first occurs; and
  - e. Permanent subdivision or neighborhood designation signs shall be as approved by the director, as set forth in BCC 22B.10.090(C).

1. Subdivision Directional Signs Designating New Developments. Signs advertising the direction to a subdivision shall be furnished and placed only by the developer or residents of the subdivision, but at locations designated by the city. Signs shall be of the dimensions 12 inches by 36 inches, shall bear only the name of the subdivision and a directional arrow (no name of realtor permitted), and be limited in number to four. The city will designate placement of the signs at street intersections a maximum of one mile from the nearest subdivision entrance. The signs shall be maintained by the developer and removed when 75 percent of the subdivision is occupied.
2. Undeveloped Multifamily Property "For Sale" Signs. "For sale" signs for undeveloped multifamily property shall be regulated pursuant to the provisions of BCC 22B.10.120(C)(3).
3. Undeveloped Single-Family Acreage "For Sale" Signs. Signs for undeveloped, unsubdivided single-family property which may be legally divided into four or more single lots shall be regulated pursuant to the provisions of BCC 22B.10.120(C)(3).

D. Political Headquarters Signs.

1. Party Headquarters. On-premises political signs are permitted on the premises of political headquarters located in the business, commercial, manufacturing, and institutional districts (BCC 22B.10.030), and on office buildings in the office and apartment districts (BCC 22B.10.040), so long as the signs meet the requirements of those districts.
2. Headquarters for Candidate or Ballot Issue. On-premises political signs are permitted on the premises of the headquarters of a candidate for public elective office (whether partisan or nonpartisan) or on the headquarters of persons supporting or opposing a public issue decided by ballot, when such headquarters are located in the business, commercial, manufacturing, and institutional districts (BCC 22B.10.030), and in office buildings in the office and apartment districts (BCC 22B.10.040), so long as the signs meet the requirements of those districts.

E. Political Signs.

1. Political signs promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election may be displayed on private property. Such signs shall be removed within seven days following the election; provided, that signs promoting successful candidates in a primary election may remain displayed on private property until seven days following the immediately subsequent general election.

2. Political Signs Not Allowed on Public Utility Poles or Public Buildings or Structures. It is unlawful for any person to paste, paint, affix or fasten a political sign on any utility pole or on any public building or structure.
1. Political Signs Within Public Right-of-Way. Political signs may be posted within public right-of-way only if the sign does not create a traffic obstruction or hazard. Political signs in the right-of-way are limited to a maximum surface area of four square feet and a maximum height of five feet. A political sign promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election must be removed within seven days following an election; provided, that political signs promoting successful candidates in a primary election may remain displayed until seven days following the immediately subsequent general election.

Section 3. Section 22B.10.125 of the Bellevue City Code (Sign Code Chapter) is hereby amended as follows:

22B.10.125 Permanent signs within street rights-of-way.

- A. General. Signs for the purpose of identification only, which contain no advertising, may be permanently located upon the street right-of-way only where view-obstructing acoustical protective devices such as acoustical walls, berms or solid fences have been legally installed with city approval at the property line thereby making building-mounted or conforming freestanding signs ineffective.
- B. Design and Materials. The proposed design and materials to be utilized in the construction of signs permitted by this section shall be approved in advance of the issuance of any sign permit by the director.
- C. Types of Signs Permitted. Only signs identifying the use being maintained or operated upon the immediately abutting property and incidental signs indicating the appropriate entrance to and exit therefrom are permitted upon the public right-of-way under this section; provided, that "vacancy" signs no larger than three square feet in surface area may be installed as an addition to the identification sign.
- D. Sign Location. Permanent signs permitted upon the street right-of-way shall not be installed or placed on the top of acoustical protective devices, nor shall such signs be installed upon or attached to acoustical protective devices constructed by the city.
- E. Sign Dimensions. Permanent signs permitted within the street right-of-way shall have a maximum height of five feet above the existing grade located directly below the sign, and a maximum surface area of 15 square feet.
- F. Sign Illumination. Permanent signs permitted within the street right-of-way shall be from a source other than the sign itself and shall comply with the illumination requirements of the district in which the property identified by the sign is located.

- G. Permit Requirements. Permanent signs permitted within the street right-of-way are subject to all general requirements of this code; provided, that no such sign may be erected without a permit regardless of the size of the sign; and provided further, that any application for a permit to place a sign within the street right-of-way is subject to the approval of the director of transportation.
- H. Political Signs. Permanent political signs are not permitted within the street right-of-way. For requirements governing temporary political signs, see BCC 22B.10.120.

Section 4. Section 22B.10.160D of the Bellevue City Code (Sign Code Chapter) is hereby amended as follows:

22B.10.160 Permits and fees.

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- D. Permit Exceptions. The following signs and sign alterations do not require a permit, but shall comply with all other applicable requirements of this code:
  1. Signs having four square feet or less of surface area; provided, that this exemption shall not apply to subdivision directional signs (BCC 22B.10.120(C)(6));
  2. Signs which have permits and which conform with the requirements of this code on the day of its adoption unless and until the sign is altered or relocated;
  3. Signs which, on the date of adoption of this code, have permits but do not conform with this code's requirements and are determined by the director to be nonconforming signs and for which a nonconforming sign permit is issued pursuant to BCC 22B.10.200(B)(4);
  4. Repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign structure or content is not modified in any way;
  5. Changing of advertising copy or message on an approved readerboard or theater marquee, during the period of amortization;
  6. Temporary Political Signs.

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Section 5. Section 22B.10.200F.4 of the Bellevue City Code (Sign Code Chapter) is hereby amended as follows:

22B.10.200 Nonconforming Signs

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- F. Sign Amortization Exemption Process.

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- 1. Special Filing Requirement. The applicant must submit a completed application for a sign amortization exemption within 60 days of notification by the city (under subsection B.1 of this section) that the sign is nonconforming, or is thereafter barred from making such application. If a completed application is not filed, the sign is illegal and in violation of this code.

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Section 6. Section 1.18.020J of the Bellevue City Code (Civil Violations Chapter) is hereby amended as follows:

1.18.020 Definitions.

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- J. "Person responsible for the violation" means any person who is required by the applicable regulation to comply therewith, or who commits any act or omission which is a civil violation or causes or permits a civil violation to occur or remain upon property in the city, and includes but is not limited to owner(s), lessors(s), tenant(s), or other person(s) entitled to control, use and/or occupy property where a civil violation occurs. For violations of the sign code, this definition includes, but is not limited to, sign installers/posters, sign owners, and all other persons who cause or participate in the placement of a sign in a manner that constitutes a civil violation.

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Section 7. Section 1.18.020K.1 of the Bellevue City Code (Civil Violations Chapter) is hereby amended as follows:

1.18.020 Definitions

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- K. "Regulation" means and includes the following, as now or hereafter amended:
  - 1. Chapters 9.09 BCC (Junk Cars), 9.10 BCC (Nuisances), 9.11 BCC (Anti-Litter Code), 9.18 BCC (Noise Control), 9.19 BCC (Group Home for Children Community Involvement Process), 9.20 BCC (Fair Housing Practices), 14.30 BCC (Right-of-Way Use Code);

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Section 8. Section 1.18.040 of the Bellevue City Code (Civil Violations Chapter) is hereby amended as follows:

1.18.040 Notice of civil violation.

A. Issuance.

1. When the applicable department director determines that a violation has occurred or is occurring, and is unable to secure voluntary correction, pursuant to BCC 1.18.030, the applicable department director may issue a notice of civil violation to the person responsible for the violation.
2. The applicable department director may issue a notice of civil violation without having attempted to secure voluntary correction as provided in BCC 1.18.030 under the following circumstances:
  - a. When an emergency exists; or
  - b. When a repeat violation occurs;
  - c. When the violation creates a situation or condition which cannot be corrected;
  - d. When the violation is of the Sign Code (BCC 22B.10) or
  - e. When the person knows or reasonably should have known that the action is in violation of a city regulation.

B. Content. The notice of civil violation shall include the following:

1. The name and address of the person responsible for that violation; and
2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
3. A description of the violation and a reference to the provision(s) of the city regulation which has been violated; and
4. The required corrective action and a date and time by which the correction must be completed after which the city may abate the unlawful condition in accordance with BCC 1.18.060 and the hearing examiner's order; and
5. The date, time and location of an appeal hearing before the hearing examiner which will be at least 10 days from the date the notice of civil violation is issued; and
6. A statement indicating that the hearing will be canceled and no monetary penalty will be assessed if the applicable department director approves the completed, required corrective action at least 48 hours prior to the hearing, except that this statement need not be included where the violation constitutes a repeat violation, the violation creates a situation or condition which cannot be corrected, or the violation is of the Sign Code (BCC 22B.10); and



7. In the case of a violation of the Sign Code, a statement indicating that the hearing will be canceled if the monetary penalty recommended by the applicable department director is paid in full to the City at least 48 hours prior to the scheduled hearing.
  - 7-8. A statement that the costs and expenses of abatement incurred by the city pursuant to BCC 1.18.060(D) and a monetary penalty in an amount per day for each violation as specified in BCC 1.18.040(E) may be assessed against the person to whom the notice of civil violation is directed as specified and ordered by the hearing examiner.
- B. Service of Notice. The applicable department director shall serve the notice of civil violation upon the person to whom it is directed, either personally or by mailing a copy of the notice of civil violation to such person at their last known address. If the person to whom it is directed cannot after due diligence be personally served within King County and if an address for mailed service cannot after due diligence be ascertained, notice shall be served by posting a copy of the notice of civil violation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting the facts showing that due diligence was used in attempting to serve the person personally or by mail.
- C. Extension. No extension of the time specified in the notice of civil violation for correction of the violation may be granted, except by order of the hearing examiner.
- D. Monetary Penalty.
1. Except for violations of the Sign Code (BCC 22B.10), the monetary penalty for each violation per day or portion thereof shall be as follows:
    - a. First day of each violation, \$100.00;
    - b. Second day of each violation, \$200.00;
    - c. Third day of each violation, \$300.00;
    - d. Fourth day of each violation, \$400.00;
    - e. Each additional day of each violation beyond four days, \$500.00 per day.
  2. For violations of the Sign Code (BCC 22B.10), the monetary penalty for each violation is \$100.00 per sign per day or portion thereof.
- B. Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice of civil violation was issued of the duty to correct the violation.
- G. Collection of monetary penalty.
1. The monetary penalty constitutes a personal obligation of the person to whom the notice of civil violation is directed. Any monetary

penalty assessed must be paid to the city at the permit center within 10 calendar days from the date of mailing of the hearing examiner's decision or a notice from the city that penalties are due.

2. The city attorney or his/her signee is authorized to take appropriate action to collect the monetary penalty.

Section 9. Section 1.18.050 of the Bellevue City Code (Civil Violations Chapter) is hereby amended as follows:

1.18.050 Hearing before the hearing examiner.

- A. Notice. A person to whom a notice of civil violation is issued will be scheduled to appear before the hearing examiner not less than 10 calendar days after the notice of civil violation is issued.
- B. Prior Correction of Violation or Payment of Monetary Penalty. Except in the case of a repeat violation, a violation which creates a situation or condition which cannot be corrected, or a violation of the Sign Code (BCC 22B.10), the hearing will be canceled and no monetary penalty will be assessed if the applicable department director approves the completed required corrective action at least 48 hours prior to the scheduled hearing. In the case of a violation of the Sign Code, the hearing will be canceled if the monetary penalty recommended by the applicable department director is paid in full to the City at least 48 hours prior to the scheduled hearing.
- C. Procedure. The hearing examiner shall conduct a hearing on the civil violation pursuant to the rules of procedure of the hearing examiner. The applicable department director and the person to whom the notice of civil violation was directed may participate as parties in the hearing and each party may call witnesses. The city shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred and that the required corrective action, if applicable, is reasonable. The determination of the applicable department director as to the need for the required corrective action shall be accorded substantial weight by the hearing examiner in determining the reasonableness of the required corrective action.
- D. Decision of the Hearing Examiner.
  1. The hearing examiner shall determine whether the city has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable and shall affirm, vacate, or modify the city's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.
  2. The hearing examiner shall issue an order to the person responsible for the violation which contains the following information:
    - a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;

- b. The required corrective action; or in the case of a violation of the sign code, notification that the illegal signs shall be destroyed by the city;
  - c. The date and time by which the correction must be completed;
  - d. The monetary penalties assessed based on the criteria in BCC 1.18.050(D)(3);
  - e. The date and time after which the city may proceed with abatement of the unlawful condition if the required correction is not completed.
1. Assessment of Monetary Penalty. Monetary penalties assessed by the hearing examiner shall be in accordance with the monetary penalty schedule in BCC 1.18.040(E).
- a. Violations other than Sign Code (BCC 22B.10) Violations.
    - i. The hearing examiner shall have the following options in assessing monetary penalties:
      - (a) Assess monetary penalties beginning on the date the notice of civil violation was issued and thereafter; or
      - (b) Assess monetary penalties beginning on the correction date set by the applicable department director or an alternate correction date set by the hearing examiner and thereafter; or
      - (c) Assess no monetary penalties.
    - ii. In determining the monetary penalty assessment, the hearing examiner shall consider the following factors:
      - (a) Whether the person responded to staff attempts to contact the person and cooperated with efforts to correct the violation;
      - (b) Whether the person failed to appear at the hearing;
      - (c) Whether the violation was a repeat violation;
      - (d) Whether the person showed due diligence and/or substantial progress in correcting the violation;
      - (e) Whether a genuine code interpretation issue exists;
      - and(f) Any other relevant factors.
  - a. Sign Code (BCC 22B.10) Violations. The hearing examiner shall assess a monetary penalty for each sign cited within a single 24 hour period extending from 12:01 am to 12 midnight on a single day.
  - b. Effect of Repeat Violations
    - i. Non Sign Code Violations. Except in the case of violations of the Sign Code (BCC 22B.10), the hearing examiner may double the monetary penalty schedule if the violation was a repeat violation. In determining the amount of the monetary penalty for repeat violations the hearing examiner shall consider the factors set forth in BCC 1.18.050(D)(3)(b).

ii. Sign Code Violations (BCC 22B.10).  
The hearing examiner shall double the per sign monetary penalty assessed for each repeat violation.

1. Notice of Decision. The hearing examiner shall mail a copy of the decision to the appellant and to the applicable department director within 10 working days of the hearing.

D. Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the examiner will enter an order finding that the violation appeared and assessing the appropriate monetary penalty. The city will carry out the hearing examiner's order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

E. Appeal to Superior Court. An appeal of the decision of the hearing examiner must be filed with Superior Court within 20 calendar days from the date the hearing examiner's decision was mailed to the person to whom the notice of civil violation was directed, or is thereafter barred.

Section 10. This ordinance shall take effect and be in force thirty (30) days after passage by the City Council.

PASSED by the City Council this 21st day of June, 1999, and signed in authentication of its passage this 21st day of June, 1999.

(SEAL)

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Mike Creighton, Mayor

Approved as to form:  
Richard L. Andrews, City Attorney

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Richard Gidley, Deputy City Attorney

Attest:

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Myrna L. Basich, City Clerk

Published June 25, 1999 \_\_\_\_\_